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 PATRICK CONNALLY
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 ENFORCEMENT, EDUCATION
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 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PATRICK CONNALLY, an individual;
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES:HELPING YOU HELP
 OTHERS, a California public benefit
 corporation,

Plaintiffs,

v.

FRANK'S PIER 15; RICHARD J. ISI; and
 FRANK E. HAWKINS, an individual dba
 FRANK'S PIER 15,

Defendants.

CASE NO. C04-2920 VRW

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement"), each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 Dated: January 18, 2006 _____

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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9 By: _____/s/ Julia M. Adams
Julia M. Adams
10 Attorneys for PATRICK CONNALLY and
11 DISABILITY RIGHTS ENFORCEMENT,
12 EDUCATION SERVICES:HELPING YOU HELP
OTHERS

13 Dated: January 6, 2006

DeMARTINI & WALKER LLP

14
15 By: _____/s/ Vincent J. DeMartini
Vincent J. DeMartini
16 Attorneys for Defendant RICHARD J. ISI

17 **ORDER**

18 IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to
19 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
20 the purpose of enforcing the parties' Settlement Agreement and General Release should such
21 enforcement be necessary.

22
23 Dated: January 30 _____, 2006

